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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,988	05/01/2001	Nobuyoshi Tomita	450100-03206	3909

20999 7590 10/18/2004

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EXAMINER

PHAM, BRENDA H

ART UNIT PAPER NUMBER

2664

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/846,988

**Applicant(s)**

NOBUYOSHI TOMITA

**Examiner**

Brenda Pham

**Art Unit**

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3 and 4 is/are allowed.
- 6) ☐ Claim(s) 6 is/are rejected.
- 7) ☐ Claim(s) 2 and 5-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-8 have been examined.

#### ***Claim Objections***

2. Claims 2 is objected to because of the following informalities:

Claim 2 recites the limitation "a first packet" should be corrected to --the first packet--.

Claim 2 recites the limitation "the PCR (Program Clock Reference)" should be corrected to --the PCR (Program Clock Reference)--.

Claim 2 recites on page 24, the limitation "a second packet" should be corrected to --the second packet--.

Claim 5 recites in line 4, the limitation "the receiving side" should be corrected to --a receiving side--.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6 are rejected under 35 USC § 112, second paragraph, as being lack of antecedent basis in the claims.

Claim 6 recited the limitation "wherein a first packet" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recited the limitation "the PCR (Program Clock Reference)" on page 25, line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "a time stamp" on page 25, line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "a second packet" on page 25, line 4. There is insufficient antecedent basis for this limitation in the claim.

***Allowable Subject Matter***

5. Claims 1, 3-4 are allowed over prior art.
6. Claim 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
7. Claims 2 and 5 and 7-8 would be allowable if rewritten to overcome the claim objections, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter: the prior art made of record does not teach or fairly suggest a data transmission device and method includes a TS packet containing header information and real time data, the header information including at least synchronizing time reference information

(PCR) necessary for producing a synchronizing signal to be used by a receiving side. The PCR is extracted from the input TS packet. The extracted PCR is converted into a time stamp. An RTP packet contains header information including the RTP time stamp and TS packets and prepared RTP packet transmitted by data transmitter.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Okamoto et al (US 6,600,870 B1) discloses an input-output circuit, recording apparatus and reproduction apparatus for digital video signal including a clock reference detected from a packet signal containing the clock reference and a digitally compressed video signal, a time stamp for a packet is generated using clock signal in phase with the clock reference and added to the particular packet, and the packet signals with the time stamp added thereto are recorded closely to each other in a data storage element such as a magnetic recording medium.

Takamori et al (US 6,041,067) disclose a device for synchronizing data processing.

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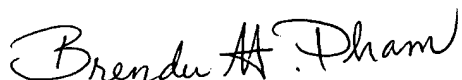
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

October 12, 2004

Brenda Pham

A handwritten signature in cursive script that reads "Brenda A. Pham". The signature is written in black ink and is positioned below the typed name "Brenda Pham".